



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF JB-J- LLC

DATE: FEB. 13, 2018

CERTIFICATION OF NEBRASKA SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a jewelry company, sought to employ the Beneficiary as a financial analyst.¹ It requested classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director of the Nebraska Service Center initially approved the petition, but later revoked the petition's approval.² On appeal, we remanded the matter to the Director and instructed the Director to certify his decision to us if it was adverse. In his decision certifying the matter to us, the Director determined that the Beneficiary did not meet the requirements of the labor certification as of the priority date. Specifically, the Director found that the Beneficiary's three-year bachelor of commerce degree from the [REDACTED] in India, and his membership in the [REDACTED]

[REDACTED] did not constitute the foreign equivalent of a U.S. bachelor's degree, which was required by the labor certification. On certification, the Petitioner submits no additional evidence or arguments.

Upon review, we find that the Director's decision is correct because the record does not demonstrate that the Beneficiary has the education required by the terms of the labor certification. Therefore, we will not disturb the Director's decision dated September 14, 2017.

¹ The Petitioner's Articles of Organization were cancelled in California on December 1, 2014. Cal. Sec'y of State, Business Search, <https://businesssearch.sos.ca.gov/> (last visited Feb. 2, 2018).

² After granting a petition, U.S. Citizenship and Immigration Services may revoke the petition's approval "at any time" for "good and sufficient cause." Section 205 of the Act, 8 U.S.C. § 1155. If supported by the record, a director's realization that a petition was erroneously approved may justify revocation. *Matter of Ho*, 19 I&N Dec. 582, 590 (BIA 1988). Good and sufficient cause exists to issue a NOIR where the record at the time of the notice's issuance, if unexplained or unrebutted, would have warranted the petition's denial. *Matter of Estime*, 19 I&N Dec. 450, 451 (BIA 1987). Similarly, revocation is proper if the record at the time of the decision, including any explanation or rebuttal evidence provided by a petitioner, warranted a petition's denial. *Id.* at 452.

ORDER: The approval of the petition is revoked.

Cite as *Matter of JB-J- LLC*, ID# 994013 (AAO Feb. 13, 2018)